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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,522	10/02/2003	Edward Barkan	1525	9337
156	7590	04/05/2005	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			LEE, SEUNG H	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,522

Applicant(s)

BARKAN ET AL.

Examiner

Seung H. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/04/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detwiler (US 6,543,694)(hereinafter referred to as 'Detwiler "694"') in view of Detwiler (US 6,045,046)(hereinafter referred to as 'Detwiler "046"').

Detwiler "694" teaches an extended coverage barcode scanner comprising a housing (18) on the countertop (16) and having a window (20) lying in a generally vertical plane, a rotary mirror (26) in the housing, a plurality of folding mirror (A-D) and a stationary mirror (1-4) mounted in the housing and arranged generally about the axis or sinning axis (26e), a laser (22) for generating scanning laser beam wherein the laser beam is directed to the rotary mirrors (e.g., folding mirrors) for reflecting therefrom to the stationary mirrors for reflecting therefrom through the window to the indicia to be scanned, a spinner (26) including internal motor for rotating the spinner for generating a plurality of scan lines using the folding mirror and stationary mirrors wherein the stationary mirrors comprises two pair of mirrors for generating scan lines, two side mirrors (1 and 4) serves as a first pair of mirrors whereas two inner side mirror (2 and 3)

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serves as a second pair of mirrors, wherein the folding mirrors and the stationary mirrors are planar mirrors

However, Detwiler "694" fails to particularly teach that the scanner comprises a third pair of mirrors for creating full coverage of scan pattern for reading the indicia.

Detwiler "046" teaches a full coverage barcode scanner comprising three pair of mirrors (1-3 and 5-7) wherein the mirrors (1 and 7) serves as a first pair of mirrors, the mirrors (3 and 5) serve as a second pair of mirrors and mirrors (2 and 6) located intermediate serve as third pair of mirror, the housing (10) has a parallelepiped shape (see Figs. 1-4; col. 3, line 15- col. 8, line 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Detwiler "046" to the teachings of Detwiler "694" in order to provide an improved barcode scanner for creating scan lines for covering whole area of the scanning window. Although, Detwiler "694"/Detwiler "046" teach the barcode scanner having the full scanning coverage of the window, they fail to particularly teach that the second pair of mirror having lower linear edges parallel to the base and the third pair having lower edges closer to the window than the lower edges of the mirrors of the second pairs, however, it would have been an obvious to one of ordinary skill in the art at the time the invention was made to relocate the mirrors of the barcode scanners as taught by Detwiler "694"/Detwiler "046" for generating scan lines in different orientation and patterns which provides full coverage barcode scanner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gurevich et al. (US 6,786,413) discloses a barcode scanner for reading barcode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Seung H. Lee
Art Unit 1876
April 4, 2005